

Message Text

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ACTION L-03

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C O N F I D E N T I A L VIENNA 07296

E.O. 11652: GDS
TAGS: PFOR, UN
SUBJECT: UN CONFERENCE ON SUCCESSION OF STATES IN
RESPECT OF TREATIES

REF: STATE 203257

1. APPRECIATE INSTRUCTIONS RECEIVED IN REFTEL.
2. FOLLOWING IS WORDING OF PROPOSED RESOLUTION.
"THE UNITED NATIONS CONFERENCE ON SUCCESSION OF STATES
IN RESPECT OF TREATIES,

"TAKING NOTE OF THE STATEMENT MADE BY THE CHAIRMAN OF
THE DELEGATION OF THE UNITED NATIONS COUNCIL FOR
NAMIBIA DURING THE RESUMED SESSION OF THE CONFERENCE,

"TAKING INTO ACCOUNT UNITED NATIONS GENERAL ASSEMBLY
RESOLUTION 2145 (XXI) OF 27 OCTOBER 1966, BY WHICH
THE GENERAL ASSEMBLY DECIDED TO TERMINATE THE MANDATE
OF SOUTH AFRICA OVER NAMIBIA AND BY WHICH THE UNITED
NATIONS ASSUMED DIRECT RESPONSIBILITY FOR THE
TERRITORY UNTIL INDEPENDENCE, AND GENERAL ASSEMBLY
RESOLUTION 2248 (S-V) OF 19 MAY 1967, BY WHICH THE
UNITED NATIONS COUNCIL FOR NAMIBIA WAS ESTABLISHED AND
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ENTRUSTED WITH THE RESPONSIBILITY OF ADMINISTERING
THE TERRITORY UNTIL INDEPENDENCE,

"RECALLING THE RELEVANT RESOLUTIONS OF THE UNITED
NATIONS GENERAL ASSEMBLY AND SECURITY COUNCIL ON THE
QUESTION OF NAMIBIA IN PARTICULAR SECURITY COUNCIL
RESOLUTIONS 385 (1976) AFFIRMING THE TERRITORIAL

INTEGRITY AND UNITY OF NAMIBIA, AND 432 (1978)
DECLARING THAT WALVIS BAY MUST BE REINTEGRATED INTO
NAMIBIA,
RESOLVES THAT SOUTH AFRICA CANNOT BE CONSIDERED AS A
PREDECESSOR STATE OF THE FUTURE STATE OF NAMIBIA OPEN
BRACKETS IN SO FAR AS TREATY OBLIGATIONS ENTERED INTO
BY SOUTH AFRICA AFTER 27 OCTOBER 1966 ARE CONCERNED
CLOSE BRACKETS.

3. PHRASE IN BRACKETS NARROWS THE IMPACT OF THE
RESOLUTION SIGNIFICANTLY, BUT IN OUR VIEW MAY STILL
BE UNSATISFACTORY. WOULD APPRECIATE DEPARTMENT
VIEWS.

4. WESTERN GROUP DELS ARE SEEKING INSTRUCTIONS ON THE
MATTER. UK CURRENT INSTRUCTIONS STATE THAT THE UK
DELEGATION MAY JOIN IN A CONSENSUS ON THE DRAFT,
WITH THE INCLUSION OF THE WORDS IN BRACKETS, BUT
WITH AN EXPLANATION OF VOTE IN WHICH THE UK DELEGATE
WOULD REFER BRIEFLY TO THE UK ABSTENTIONS ON GA
RES 2145 AND 2248, AND WOULD MAKE THE POINT THAT
WHILE THE SWA MANDATE HAS TERMINATED, THE UK DOES NOT
CONSIDER THAT GA RES 2145 OPERATED OF ITSELF TO
EFFECT THE TERMINATION.

5. ARTICLE 39 TER IS DIRECTED PRIMARILY AT THE
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FALKLAND ISLANDS QUESTION, BUT ITS WORDING COULD HAVE
AN EFFECT ON THE NAMIBIA QUESTION. WOLF

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